

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: September 18 and 19, 1945. The consignee of the 31-bag lot having consented to its immediate destruction, and no claimant having appeared for the other lot, judgments were entered ordering the condemnation and destruction of the product. Destruction was effected by delivery of the product for use as animal feed.

8556. Adulteration and misbranding of enriched flour. U. S. v. 28 Bags of Enriched Flour. Default decree of condemnation and destruction. (F. D. C. No. 16765. Sample No. 24415-H.)

LIBEL FILED: June 29, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about May 31, 1945, by the Bewley Mills, from Fort Worth, Tex.

PRODUCT: 28 100-pound bags of enriched flour at New Orleans, La.

LABEL, IN PART: "Enriched Anchor Hard Wheat Flour Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B₁) and iron, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour, since it contained approximately 1.17 milligrams of thiamine and 10.4 milligrams of iron per pound. The regulations require that enriched flour shall contain in each pound not less than 2 milligrams of thiamine and not less than 13 milligrams of iron.

DISPOSITION: September 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS CEREAL PRODUCTS*

8557. Adulteration of corn grits. U. S. v. 18 Bags of Grits. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 16667. Sample No. 645-H.)

LIBEL FILED: July 3, 1945, Western District of South Carolina.

ALLEGED SHIPMENT: On or about November 30, 1944, from Decatur, Ill.

PRODUCT: 18 100-pound bags of corn grits at Greenwood, S. C., in the possession of the Hartley Grocery Co. The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product had been contaminated with urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: August 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for use as cattle or poultry feed if found suitable for that purpose; if not, it was to be destroyed.

8558. Adulteration of popcorn. U. S. v. 249 Cases of Popcorn (and 1 other seizure action against popcorn). Consent decree of condemnation. Portion of product ordered destroyed; remainder ordered released under bond. (F. D. C. Nos. 16168, 16746. Sample Nos. 10093-H, 10094-H, 18025-H, 18026-H.)

LIBELS FILED: May 23 and June 27, 1945, Northern District of Illinois and Middle District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of February 9 and March 13, 1945, by the Hart and Howell Co., from Brooklyn, Mich.

PRODUCT: 249 cases, each containing 24 cans, of popcorn at Altoona, Pa.; and 522 cases, each containing 24 cartons, and 18 cases, each containing 29 cartons, of popcorn at Chicago, Ill.

LABEL, IN PART: (Cans and cartons) "Gloria Jean Golden Mushroom Pop Corn," or "Corn Sure Pop."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of

*See also No. 8611.

moldy and decomposed kernels. The Chicago lot, in addition to containing evidence of decomposition, consisted in whole or in part of a filthy substance by reason of the presence of live insects and insect-damaged kernels.

DISPOSITION: On September 24, 1945, an order was entered in the District Court for the Middle District of Pennsylvania, consolidating the action instituted in that district with the action instituted in the Northern District of Illinois. On September 28, 1945, the Hart and Howell Co., claimant, having admitted the facts alleged in the libels, judgment of condemnation was entered and it was ordered that portions of the product be destroyed and that the remainder be released under bond to be salvaged and reprocessed under the supervision of the Food and Drug Administration.

8559. Adulteration of popcorn. U. S. v. 238 Bags of Popcorn (and 2 other seizure actions against popcorn). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 15696, 16196. Sample Nos. 6911-H, 18719-H.)

LIBELS FILED: Between March 30 and July 10, 1945, District of Minnesota and Northern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of January 25 and March 20, 1945, by Manley, Inc., from Lakeview, Iowa.

PRODUCT: 238 100-pound bags of popcorn at St. Paul, Minn., and 800 100-pound bags, 231½ 100-pound bags, and 1 barrel of popcorn at Binghamton, N. Y. Examination showed that the product contained rodent excreta pellets, rodent hairs, and rodent hair fragments.

LABEL, IN PART: "Manley's Best Pop Corn Jumbo South American."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: August 25 and September 26, 1945. Manley, Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law by cleaning, renovating, and sorting under the supervision of the Federal Security Agency.

8560. Adulteration of rice. U. S. v. 20 Bags of Rice. Default decree of condemnation. Product ordered delivered to a public institution, for use as stock feed. (F. D. C. No. 16360. Sample No. 1006-H.)

LIBEL FILED: June 16, 1945, Southern District of Georgia.

ALLEGED SHIPMENT: On or about January 8, 1945, by the Thomas and Howard Co., from Allendale, S. C.

PRODUCT: 20 100-pound bags of rice at Augusta, Ga.

LABEL, IN PART: "O'Henry Supreme Extra Fancy Blue Rose Rice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: September 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and delivered to a public institution, for use as stock feed.

8561. Adulteration of rice. U. S. v. 21 Bags of Rice. Default decree of condemnation and destruction. (F. D. C. No. 13333. Sample No. 35298-F.)

LIBEL FILED: August 17, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about December 28, 1943, from Houston, Tex.

PRODUCT: 21 100-pound bags of rice at Tampa, Fla., in the possession of the Gulf Florida Terminal Co., Inc. The product was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent pellets and urine stains were observed on them. Examination showed that the product had been contaminated with urine, and that it contained rodent hair fragments, larvae, pupae, and insect fragments.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: October 23, 1945. The sole intervener having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.